



CITY OF MORGAN HILL

**CITY COUNCIL
MORGAN HILL REDEVELOPMENT AGENCY**

COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS

Dennis Kennedy, Mayor
Steve Tate, Mayor Pro Tempore
Hedy L. Chang, Council Member
Cynthia J. Cook, Council Member
Greg Sellers, Council Member

REDEVELOPMENT AGENCY

Dennis Kennedy, Chairperson
Greg Sellers, Vice-Chairperson
Hedy L. Chang, Agency Member
Cynthia J. Cook, Agency Member
Steve Tate, Agency Member

WEDNESDAY, FEBRUARY 2, 2000

ACTION AGENDA

JOINT SPECIAL MEETING

**SPECIAL AND REGULAR CITY COUNCIL MEETING
and
SPECIAL REDEVELOPMENT AGENCY**

6:00 P.M.

*A Special Meeting is called at 6:00 p.m. for the
purpose of conducting six Closed Sessions.*

Dennis Kennedy, Mayor/Chairperson

CALL TO ORDER

(@ 6:07 p.m. by Mayor Pro Tempore Tate)

ROLL CALL ATTENDANCE

(City Clerk/Agency Secretary Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk/Agency Secretary Torrez)
OPPORTUNITY FOR PUBLIC COMMENT

City Council/Redevelopment Agency Action

CLOSED SESSION:

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

- | | |
|-------------------|--|
| 10 minutes | 1.
Legal Authority: Government Code Section 54956.8
Property: APN 813-13-01; 37.8 acres
(Soccer complex)

Negotiating Parties:
For Property Owners: Tadashi & Alice A. Kadonaga, Trustee
For City: Jim Ashcraft; F. Gale Connor; J. Edward Tewes
Under Negotiation: Price and Terms of Payment |
| 10 minutes | 2.
Legal Authority: Government Code Section 54956.8
Property: APN 825-06-002, 003, 029, 030; 36.6 acres
(Railroad/Maple)

Negotiating Parties:
For Property Owners: Costa Family Partners
For City: Jim Ashcraft; F. Gale Connor; J. Edward Tewes
Under Negotiation: Price and Terms of Payment |
| 10 minutes | 3.
Legal Authority: Government Code Section 54956.8
Property: APN 725-01-18; 5.8 acres
(Monterey/Tilton)

Negotiating Parties:
For Property Owners: Coldwell Banker
For City: Jim Ashcraft; F. Gale Connor; J. Edward Tewes
Under Negotiation: Price and Terms of Payment |
| 10 minutes | 4.
Legal Authority: Government Code Section 54956.8
Property: APN 779-04-010; 14465 Monterey Road; 29.2 acres

Negotiating Parties:
For Property Owners: William Sing and Young Kay Mock
For City: Jim Ashcraft; F. Gale Connor; J. Edward Tewes
Under Negotiation: Price and Terms of Payment |
| 10 minutes | 5.
CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION

Legal Authority: Government Code 54956.8 & 54956.9(c) (1potential case)
Real Property(ies) involved: APN 728-31-007 & 008; 25.50 acres located on the
southwesterly side of Mission View and Cochrane Road; and |

APN 728-31-009 - 12.88 acres located on the southeast corner of Cochrane and Highway 101 (St. Louise Hospital property)
City Negotiators: Agency Members; Interim Executive Director; Interim Agency Counsel; and F. Gale Conner, special counsel
Closed Session Topic: Potential Litigation

30 minutes **6.**
CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:
Significant exposure to litigation pursuant to subdivision (b)(3)(E) of Government Code Section 54956.9: (1 case)
Attendees: Agency Board; Interim Executive Director; Interim Agency Counsel; Director of Business Assistance and Housing Services; Chief of Police, and William Strausz, special counsel

CLOSED SESSION ANNOUNCEMENT:

No reportable action taken on items 1-4, items 5 & 6 were deferred to end of the agenda

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

Led by Lori Escobar - El Toro Youth Center Coordinator

PRESENTATIONS

Expansion of El Toro Youth Center
Lori Escobar & Roger Knopf

PUBLIC SERVICE ANNOUNCEMENT

Eric Hilding

INTRODUCTIONS

City Clerk's Office
Lisa Lewis, Office Assistant II
Shirley Infantino, Office Assistant I

Public Works Department
*Ryan Do, Junior Engineer - **Deferred to a future meeting***

PROCLAMATION

Live Oak High School
*Future Business Leaders of America Week - **Presented to Oneil Bhalal***

CITY COUNCIL REPORT

Council Member /Vice-chairperson Sellers
Reported on Housing & Community Development/City-School Liaison Committees

INTERIM CITY MANAGER'S REPORT

Report describing circumstances of Fire Response to Jackson Oaks home is scheduled for 2/16/00

City Council Goal setting identified the following staff work items:

- 1) complete feasibility study for health care in the community;**
- 2) improve coordination with the MHUSD, particularly new school facilities;**
- 3) develop a realistic schedule, sequencing and implementation of visioning projects; and**
- 4) develop a strategy to integrate various public facilities in a master plan**

INTERIM CITY ATTORNEY'S REPORT

No items to report

PUBLIC COMMENTS

John Scully & Keith Robertson requested City do what it can to make affordable senior housing available.
Marie Skinner, Deke Descoteaux, and Jack Powers requested that St. Louise Hospital site not be rezoned, time needed to demonstrate that site can be successful as a hospital.
Dr. Roussere presented City Council with statistics that confirm that hospital beds are vital to this community.

City Council Action

CONSENT CALENDAR:

The Consent Calendar, Agenda Items #1 and #2 may be acted upon with one motion, a second and the vote. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time

Estimate

Page

Consent Calendar: 1 - 10 Minutes

1. **OPEN SPACE ACQUISITION RECOMMENDATIONS FOR THE OPEN SPACE AUTHORITY'S FIVE YEAR PLAN** 1
Action: **Chang/Tate 5:0 Adopted** City Council Resolution No. 5345 which identifies the list of recommended Acquisitions for the Santa Clara County Open Space Authority's Five Year Plan, amending page 6 of the staff report to read: *Preservation of open space, including agricultural lands and encouragement of the use of agricultural conservation easements for this purpose between Morgan Hill and its neighbors, San Jose and San Martin.*
2. **RESOLUTION AMENDING THE RECORDS RETENTION SCHEDULE FOR CITY OF MORGAN HILL** 17
Action: **Tate/Cook 5:0 Adopted** Resolution No. 5347, amending the City's Records Retention Schedule.

OTHER BUSINESS:

3. **10 minutes** **AMENDMENT TO THE AGREEMENT WITH THE LAW FIRM OF JORGENSEN, SIEGEL, MCCLURE & FLEGEL, LLP IN THE AMOUNT OF \$45,000 FOR LEGAL SERVICES FOR THE PERIOD JANUARY - MARCH 2000** 33
Action: **Cook/Chang 5:0 Authorized** the Interim City Manager to Execute an Amendment to the Agreement with the firm of Jorgenson, Siegel, McClure & Flegel.
4. **15 minutes** **REQUEST TO SUPPORT THE PASSAGE OF PROPOSITION 26 - THE LET'S FIX**

- OUR SCHOOLS INITIATIVE** 47
Action: **Tate/Chang 5:0 Considered** Request by the League of California Cities and **Adopted** Resolution No. 5346 in Support of Proposition 26.
5. 20 minutes **SITE REVIEW APPLICATION SR 98-32: E. DUNNE-AUTOZONE** 53
Action: City Council **Reviewed and Gave** Comments, Concerns and Direction to Applicant and Staff.
6. 15 minutes **REQUEST BY JIM ALLIVATO FOR THE WAIVER OF CITY FILING FEES** 61
Action: **Item withdrawn at the request of Mr. Allivato**
7. 30 minutes **CITY HALL EXPANSION** 71
Action: **Tate/Sellers 4-1 (Chang voting no)** 1) **Appropriated** \$20,000 from City's AB1600 Public Facilities Fund Unappropriated Fund Balance to retain the services of an architect to help staff refine the space needs and associated costs; and 2) **Directed** staff to return on March 1, 2000 with the results of the architect's findings, including refined numbers.
8. 15 minutes **EXTENSION OF CITY SEWER SERVICES** 87
Action: **Tate/Sellers 4-0-1 (Cook abstaining)** **Directed** staff to request that the City of Gilroy and the SCRAW Board continue the review of the draft policy relating to the extension of sewer services until February 22, 2000.

Council Member Cook requested that reaffirmation to outside agencies/committees be scheduled for 2/16/00 meeting.

SECOND READING OF ORDINANCE: Full Reading Waived By Majority Vote.

(Government Code Section 36934)

Action -- Adopt Ordinance by roll call vote.

9. 10 minutes **ADOPT ORDINANCE NOS. 1471 AND 1472 NEW SERIES** 89
Tate/Sellers adopted 4-0-1 (Chang abstaining)
ORDINANCE NO. 1471, NEW SERIES -- An Ordinance of The City Council of The City of Morgan Hill Approving a Zoning Amendment to Amend a Residential Planned Development Overlay District to Include a Precise Development Plan for a 19-unit Single-family Project Located at the Southwest Corner of East Dunne Avenue and Hill Road, and to Rezone the Property from R-1 (7,000)RPD to R-1(9,000)RPD (APNs 817-74-001 thru -006) (Application ZA-99-11) and,
Tate/Sellers adopted 4-0-1 (Chang abstaining)
ORDINANCE NO. 1472, NEW SERIES -- An Ordinance of the City Council of the City of Morgan Hill Approving Development Agreement Application DA-99-04 for Measure P Project MP-98-24: East Dunne - O'Connell (APNs 817-74-005 & -006)
10. 5 minutes **Tate/Sellers adopted 5:0**
ADOPT ORDINANCE NO. 1473, NEW SERIES 117
An Ordinance of the City Council of the City of Morgan Hill Amending Title 18, the Planning and Land Use Codes to Eliminate Text Errors, to Provide Clarification to Existing Text and Code Provisions and Incorporate New Code Standards and Definitions (Application ZA-99-13).

City Council/Redevelopment Agency Action

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Consent Calendar: 1 - 10 Minutes

11. **JOINT SPECIAL AND REGULAR CITY COUNCIL AND SPECIAL
REDEVELOPMENT AGENCY MEETING MINUTES OF JANUARY 19, 2000 133**
Action: Sellers/Tate 5:0 approved as written

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

None

Adjourned at 10:40 to conclude closed session item Nos. 5 and 6

Reconvened at 11:43 p.m.

Mayor Kennedy announced that no reportable action was taken.

ADJOURNMENT: 10:44 p.m.